

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2864 – SB 2889**

February 6, 2022

**SUMMARY OF BILL:** Removes authorization for certain municipalities to hold public meetings in which some members are participating electronically.

Requires that if members of a governing body participate in a meeting electronically, the body shall allow members of the public who are not in attendance to access the meeting by electronic means in real time and to participate or provide comment by electronic means of communication, if such participation would normally be allowed at the meeting.

Requires notice for the public meeting to state that the meeting will include members of the governing body who are participating electronically and contain all information for members of the public to access the meeting electronically and participate or provide comment, if public participation is allowed in the meeting. Prohibits a governing body from requiring members of the public to register in advance to view or listen to a meeting.

Requires a governing body that conducts a public meeting by electronic means to make a recording of the meeting and post the recording or a link to the recording on its website no later than three days after the meeting. Requires the governing body to retain the recording for at least five years after it was created.

Requires the removal of a member of such governing body if the member physically attends less than 50 percent of the body's meetings in a two-year period.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Removing the authorization for certain municipalities to hold public meetings in which some members are participating electronically will not result in any fiscal impact to local government.
- Tennessee Code Annotated § 8-44-108(b)(1) provides that certain governing bodies may allow participation in meetings by electronic means if a physical quorum is present or a determination of necessity exists. Members who participate electronically are not eligible to receive per diem.

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- It can reasonably be assumed that requiring those governing bodies which utilize electronic means of meeting to make such meetings electronically accessible to the public will not result in any significant fiscal impact to state or local government.
- Pursuant to Tenn. Code Ann. § 8-44-103, any such governmental body which holds a public meeting shall give adequate public notice of such meeting. Requiring additional information in a public notice will not result in any fiscal impact to state or local government.
- It can reasonably be assumed that only governing bodies which currently have the technology to participate in meetings electronically will do so; therefore, requiring a governing body to record and retain such meetings will not result in any significant fiscal impact to state or local government.
- Any cost associated with removing a member of a governing body is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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